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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 98-002

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

2. Form, Style and Placement in Administrative Code

Section DOC 332.17 (5), relating to assessment of fees, should just be a cross-reference to s. DOC 332.18, relating to the lie detector fee, and the substance of sub. (5) should be incorporated into s. DOC 332.18. If sub. (5) is kept, in par. (b), “under par. (a)” should be inserted after “payments.”

4. Adequacy of References to Related Statutes, Rules and Forms

In s. DOC 332.015, “These rules” should be “Sections DOC ____ to ____” or “This chapter” (i.e., reference should be made to the specific provisions that are being promulgated pursuant to s. 301.132 (3), Stats.) Also, in the first sentence, the authority provision is mistakenly listed as s. 301.13 (3), Stats., instead of s. 301.132 (3), Stats.

5. Clarity, Grammar, Punctuation and Use of Plain Language

- a. In s. DOC 332.02 (7), “baseline questions and” should be “baseline questions,”.
- b. In s. DOC 332.16 (1) (intro.), the second sentence would be clearer if it read:

Testing may be used to achieve any of the following goals in supervising an offender who is a sex offender:

(a) Disclosing”

In sub. (2), “shall not” should be “may not.”

c. In s. DOC 332.17 (1) (a) (intro.), what does it mean to be “approaching release from confinement”? Can this be made more specific? In subd. 5. and par. (b) 4., “assessed” by whom and using what mechanism? Should this be specified? In par. (b) 2., does the term “recent” also modify “or consideration for alternatives to revocation”? If so, for clarity, “recent” should be inserted before “consideration.” If not, what does that last phrase refer to? In par. (b) 3., “involvement” appears to be unnecessary. In sub. (2) (b) (intro.), for clarity, the clause could be divided into two sentences by substituting “test. The notice” for “test which”.

d. In s. DOC 332.18 (3) (a) 4., “the offender” should be inserted before “is unable.” Paragraph (b) refers to “within 10 working days of a reported change in the offender’s financial or employment status.” Is there a requirement somewhere that the offender report such a change within a certain time period? If so, could it be cross-referenced? If not, perhaps such a provision should be included in the rule.